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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,413	12/11/2003	Alan Bartholomew	TRIO-P0001	1412
36067 7590 07/29/2008 DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037				
EXAMINER CHAL LONGBIT				
ART UNIT 2131		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/707,413

**Applicant(s)**

BARTHOLOMEW, ALAN

**Examiner**

LONGBIT CHAI

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on IDS 6/18/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 6/18/2008
- 4) ☒ Interview Summary (PTO-413)
- Paper No(s)/Mail Date 7/17/2008
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Currently pending claims are 23 – 51.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/17/2008 has been entered.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 46 is rejected under 35 U.S.C. 101 because the claimed invention may be directed to software per se which is directed to non-statutory subject matter. Examiner notes for a system claim as recited in the claim, at least one recited element must be hardware; however, the claim limitations such as “a client-processing device” can be implemented in hardware, or software according to the specification (SPEC: Para [0012] Line 6 – 9), and thereby the claim may be reasonably interpreted as being not limited to hardware elements and the claim may be merely directed to software per se as a non-statutory subject matter for a system claim. Any other claims not addressed are rejected by virtue of their dependency.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23 – 26, 29 – 41, 43 – 47 and 49 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVine et al. (U.S. Patent 2002/0144153), in view of Yanagita (U.S. Patent 6,954,319), in view of Kauffman et al. (U.S. Patent 6,870,887).

As per claim 23, 40, 46, 49 and 51, LeVine teaches an annotation system configured to record, store, and retrieve media data comprising:

a client-processing device configured to capture media data for subsequent playback (LeVine: Para [0041], Para [0121] and Para [0206]: a client-server archive digital content distribution system);

at least one globally unique voice message ID (Yanagita : **see below**) created by said client-processing device proximate to the capture of said media data and associated with said media data by said client-processing device (LeVine: Para [0041], Para [0198] and Para [0196] / Line 20 – 32: an unique ID that can be remotely accessible over a distributed system is considered as a globally unique ID), wherein said client-processing device is configured to provide said at least one globally unique voice message ID to a user of said client processing device (LeVine: Para [0206] Line 19 – 22: so that the user can request the digital content at the subsequent access).

However, LeVine does not disclose expressly at least one globally unique voice message ID comprises a machine unique identifier combined with a locally unique identifier; wherein said user of client-processing device is presented with said at least one globally unique voice message ID to place within a context.

Yanagita teaches at least one globally unique voice message ID comprises a machine unique identifier combined with a locally unique identifier; wherein said user of client-processing device is presented with said at least one globally unique voice message ID to place within a context (Yanagita: Column 18 Line 60 – 64 and Column 20 Line 49 – 59: a UMID (unique material identifier) assigned to a audio material is qualified as a globally unique voice message ID which comprises an assigned globally universal label (12-bytes), a machine code (e.g. 5-bytes serial number), and a time snap (8 bytes)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yanagita within the system of LeVine because (a) LeVine teaches an archive digital content is stored at the server and can be identified and securely uploaded / download with respect to a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Yanagita teaches an effective mechanism that identifies the recorded medium by an universal-wide UMID (unique material identifier) which comprises an assigned globally universal label (12-bytes), a machine code (e.g. 5-bytes serial number), and a time snap (8 bytes) (Yanagita: 18 Line 60 – 64, Column 20 Line 49 – 59).

said client-processing device capable of retrieving said media data for playback by locating said server utilizing said at least one globally unique ID provided by said user (LeVine: Para [0206] Line 20 – 32: the user can request the digital content at the subsequent access).

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LeVine teaches the archive digital content is stored at the server (LeVine: Para [0196] Line 5). However, LeVine does not disclose expressly a server configured to accept upload of said media data and said at least one globally unique ID for purposes of storage.

Kauffman teaches a server configured to accept upload of said media data and said at least one globally unique ID for purposes of storage (Kauffman: Column 9 Line 42 – 44 / Line 38 – 39 and Column 6 Line 34 – 37 & LeVine: Para [0041] Line 10 – 15: the archive digital content can be further retrieved for editing purpose and saved back into the server later so that they can be shared by other users through the server).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kauffman within the system of LeVine as modified because (a) LeVine teaches an archive digital content is stored at the server and can be securely download into a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Kauffman teaches an effective mechanism that the archive digital content can be further retrieved for segmenting / editing purpose and saved back into the server later so that they can be shared by other users through the server (Kauffman: Column 6 Line 34 – 37, Column 9 Line 42 – 44 / Line 38 – 39 and Column 1 Line 44 – 50).

As per claim 24, 41, 47 and 50, LeVine as modified teaches said client-processing device is capable of marking portions of said media data with additional globally unique IDs to enable indexed playback of said media (Kauffman: Column 10 Line 64 – 67 / Line 58 – 59: mark button is used for segmenting the video digital content) & (Levine: Para [0042] / Line 10 – 15).

As per claim 25, LeVine as modified teaches said client-processing device is further configured to provide an edit operation on said media data (Kauffman: Column 9 Line 42 – 44 /

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Line 38 – 39 and Column 6 Line 34 – 37 & LeVine: Para [0041] Line 10 – 15: the archive digital content can be further retrieved for editing purpose and saved back into the server later so that they can be shared by other users through the server).

As per claim 26, LeVine as modified teaches said client-processing device is further configured to associate contextual information with said media data (LeVine: Para [0205] Line 1 – 8: the identifier can be selected based on a context-aware algorithm – e.g., every Nth section of M bytes are used).

As per claim 29, LeVine as modified teaches said at least one globally unique ID comprises a machine unique identifier combined with a locally unique identifier (LeVine: Para [0196] Line 20 – 25 and Para [0197]).

As per claim 30, LeVine as modified teaches said at least one globally unique ID comprises a context defined by said user (LeVine: Para [0205] Line 1 – 8: the identifier can be manually selected by the user based on a context-aware algorithm – e.g., which section of which bytes are used).

As per claim 31, LeVine as modified teaches said at least one globally unique ID is recorded on a memory mediu (LeVine: Para [0198] Line 1 – 4).

As per claim 32, LeVine as modified teaches said at least one globally unique ID is associated with a radio frequency ID device (LeVine: Para [0120]: a wireless mobile computer must use a radio frequency).

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As per claim 33, LeVine as modified teaches said media data comprises audio data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of audio, video, and text/graphic/e-book/e-presentation formats using both hard media and network content delivery models).

As per claim 34, LeVine as modified teaches said media data comprises video data (LeVine: Para [0023]).

As per claim 35, LeVine as modified teaches said media data comprises text data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of audio, video, and text/graphic/e-book/e-presentation formats using both hard media and network content delivery models).

As per claim 36, LeVine as modified teaches media data comprises image data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of graphic / e-book/e-presentation formats using both hard media and network content delivery models).

As per claim 37 and 43, LeVine as modified teaches said client processing device receives said media data from a cellular telephone (LeVine: Para [0118] / [0120]: a cellular telephone is one type of well-known mobile applications or mobile computers).

As per claim 38 and 44, LeVine as modified teaches said at least one globally unique ID is stored in a database (LeVine: Para [0206]: must be stored for subsequent authentications at request).

As per claim 39 and 45, LeVine as modified teaches said at least one globally unique ID is provided to said user in a word processing document (LeVine: Para [0041] Line 10 – 15: the archive digital content can be stored / identified per-user and a word processing document is one type of well known digital contents for presenting information (including ID) to the user).

5. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVine et al. (U.S. Patent 2002/0144153), in view of Yanagita (U.S. Patent 6,954,319), in view of Kauffman et al. (U.S. Patent 6,870,887), and in view of Kovesdi et al. (U.S. Patent 2003/0155413).

As per claim 27, LeVine as modified does not teach said client-processing device further comprises a bar code scanner for association of said at least one globally unique ID.

Kovesdi teaches said client-processing device further comprises a bar code scanner for association of said at least one globally unique ID (Kovesdi: Para [0088] Line 3 – 7 and Para [0075] Line 4 – 8: playback of media digital content can be identified based on a scanned barcode).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kovesdi within the system of LeVine as modified because (a) LeVine teaches an archive digital content is stored at the server and can be securely authenticated and download into a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Kovesdi teaches an effective authentication mechanism that the playback digital content can be authorized based on a scanned bar code of the medium (Kovesdi: Para [0017] Line 1 – 6 and Para [0088] Line 3 – 7).

As per claim 28, LeVine as modified does not teach a label dispenser configured to emit labels having said at least one globally unique ID.

Kovesdi teaches a label dispenser configured to emit labels having said at least one globally unique ID (Kovesdi: Para [0088] Line 3 – 7: the device can be supplemented with pre-printed barcode label – i.e., to emit pre-printed label with unique barcode that is consistent with the disclosure of the instant specification (SPEC: Para [0021])).

Same rationale of combination applied herein as above in rejecting the claim 9.

6. Claims 42 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVine et al. (U.S. Patent 2002/0144153), in view of Yanagita (U.S. Patent 6,954,319), in view of Kauffman et al. (U.S. Patent 6,870,887), and in view of Jun et al. (U.S. Patent 2001/0020981).

As per claim 42 and 48, LeVine as modified does not teach each said at least one globally unique ID is a Uniform Resource Locator (URL) and each said URL indexes an individual said marked portion of said audio data.

Jun teaches each said at least one globally unique ID is a Uniform Resource Locator (URL) and each said URL indexes an individual said marked portion of said audio data (Jun [0052]: using URL for designating the audio segment).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Jun within the system of LeVine as modified because (a) LeVine teaches an archive digital content is stored at the server and can be securely authenticated and download into a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Jun teaches an effective

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identification mechanism that uses the segment locator as a means for designating a segment in a video stream, includes segment ID, Media URL or actual segment data for designating the audio-visual segment (Jun: Para [0052]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONGBIT CHAI whose telephone number is (571)272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Longbit Chai/

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Patent Examiner  
Art Unit 2131  
7/27/2008